



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James R. Dasch and M. Gary I. Riley  
Application No.: 10/758,717 Group: 1654  
Filed: January 16, 2004 Examiner: Jeffrey E. Russell  
Confirmation No.: 6559  
For: METHOD OF MODIFYING THE RELEASE PROFILE OF SUSTAINED  
RELEASE COMPOSITIONS

|   |                      |
|---|----------------------|
| CERTIFICATE OF MAILING OR TRANSMISSION  |                      |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on: |                      |
| <u>10-27-05</u>   | <u>Sandra Jammal</u> |
| Date  | Signature            |
| <u>Sandra Jammal</u>  |                      |
| Typed or printed name of person signing certificate   |                      |

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Reply to Notice of Non-Compliant Amendment (37 C.F.R. 1.121) for filing in the above-identified application.

- [ ] Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a Small Entity Statement previously submitted.
- [ ] A Small Entity Statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

The claims fee has been calculated as shown below:

|  | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT |          | HIGHEST NO.<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA |
|--|---|----------|---------------------------------------|------------------|
| TOTAL  | 5   | MINUS *  | 20                                    | 0                |
| INDEP  | 1   | MINUS ** | 3                                     | 0                |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM |   |          |                                       |                  |

SMALL ENTITY

|         | RATE | ADDIT.<br>FEE |
|---------|------|---------------|
| X \$25  | \$   |               |
| X \$100 | \$   |               |
| + \$180 | \$   |               |

TOTAL= \$ 0

OR

OTHER THAN  
SMALL ENTITY

|         | RATE | ADDIT.<br>FEE |
|---------|------|---------------|
| X \$50  | \$   | 0             |
| X \$200 | \$   | 0             |
| + \$360 | \$   | 0             |

TOTAL= \$ 0

\* not fewer than 20  
\*\* not fewer than 3

The Application Size Fee has been calculated as shown below:  
(Effective for cases filed on or after December 8, 2004)

| Actual Sheets<br>(Including<br>current<br>amendment) | Highest No. of<br>Sheets Paid<br>For<br>(At least 100) | No. of<br>Additional Units<br>Required<br>(Increments of<br>50 sheets) |
|--|--|--|
|  |  |  |

SMALL ENTITY

| Rate    | Total<br>Amount<br>Owed |
|---------|-------------------------|
| X \$125 | \$[ ]                   |

OTHER THAN  
SMALL ENTITY

| Rate    | Total<br>Amount<br>Owed |
|---------|-------------------------|
| X \$250 | \$[ ]                   |

Payment  
Sufficient for  
up to

[ ] Sheets

### Petition for Extension of Time

- [ ] Applicant hereby petitions to extend the time to respond to the Office Action dated [ ] for [ ] month(s) from [ ] to [ ]. The appropriate fee is set forth below.
- [ ] [For action-specific language in an extension of time, go to insert, file, public folders, firm templates, and select the appropriate paragraph.]

**Please charge Deposit Account No. 08-0380 for the following fees:**

|                          |  |             |
|--------------------------|--|-------------|
| <input type="checkbox"/> | Petition for [ ] month Extension of Time | \$ _____    |
| <input type="checkbox"/> | Claims Fee                               | \$ _____    |
| <input type="checkbox"/> | Application Size Fee                     | \$ _____    |
| <input type="checkbox"/> | Other Fees:                              |             |
|                          | _____                                    | \$ _____    |
|                          | _____                                    | \$ _____    |
|                          | TOTAL:                                   | \$ <u>0</u> |

**A check is enclosed in payment of the following fees:**

|                          |  |          |
|--------------------------|--|----------|
| <input type="checkbox"/> | Petition for three month Extension of Time | \$ _____ |
| <input type="checkbox"/> | Claims Fee                                 | \$ _____ |
| <input type="checkbox"/> | Application Size Fee                       | \$ _____ |
| <input type="checkbox"/> | Other Fees:                                |          |
|                          | _____                                      | \$ _____ |
|                          | _____                                      | \$ _____ |
|                          | TOTAL:                                     | \$ _____ |

☒ Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Susan M. Abelleira  
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Facsimile (978) 341-0136

Concord, Massachusetts 01742-9133

Dated: October 27, 2005



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REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT (37 C.F.R. 1.121)

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Notice of Non-Compliant Amendment dated October 19, 2005, requesting correction of the Amendments to the Claims section of the amendment filed on September 29, 2005, please find the following section, with corrections, resubmitted herewith.